

California Regional Water Quality Control Board
Santa Ana Region

June 24, 2005

STAFF REPORT

ITEM: 5

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Terra Lynn Dearth, 15270 Cayuse Court, Riverside, Riverside County, APN 245-500-013-6

DISCUSSION:

On May 25, 2005, Ms. Terra Lynn Dearth requested approval for the use of a second septic tank-subsurface disposal system at the above-referenced site. Ms. Dearth resides in a house located at the site. An existing subsurface disposal system is utilized for the discharge of sanitary wastes from the 4-bedroom, 2-bath house. The property is less than one acre in size (40,946-sq. ft. or 0.94 acre net). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of sanitary wastes.

Ms. Dearth proposes to add 2 bedrooms, 2 baths, den, office and laundry room to her existing home. She proposes to install a new 1,200-gallon septic tank-subsurface disposal system to serve the proposed bedroom/bath den, office & laundry room additions.

On October 13, 1989, the Regional Board adopted a Basin Plan amendment that requires new developments for which on-site subsurface disposal system use is proposed to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwaters of the Region. The property is over one-half acre and use of the existing subsurface disposal system meets the minimum lot size requirements. However, the proposed addition of a second subsurface disposal system does not conform to these requirements. Accordingly, Board staff denied Ms. Dearth's request for approval for the use of the second septic tank. Ms. Dearth seeks Regional Board consideration of this matter.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSRs address these circumstances. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSRs, provided that the existing septic system can accommodate the additional wastewater flows. The MLSRs also specify that replacement of an existing septic tank system to accommodate additional flows resulting from additions to existing dwellings is exempt from the minimum lot size requirement. However, the addition of a second septic tank to accommodate such additional flows is not exempt from the MLSRs. The minimum lot size exemption criteria are based on the premise that the proposed addition of a second septic system would be necessitated only by the proposed addition of a

freestanding structure, rather than additions to existing dwellings. The Regional Board did not exempt the addition of a second system based on concerns that use of an additional freestanding structure and a second septic system could result, over the long-term, in the addition of substantial wastewater flows beyond those resulting from additions to existing dwellings. Ms. Dearth's addition will not result in a freestanding structure; however, she is proposing the installation of a second septic system. Ms. Dearth points out that the additional flows that will occur as a result of the room additions will be no greater than those that would be allowed had the existing septic tank been replaced to accommodate them. In light of the circumstances of Ms. Dearth's proposal, Board staff believes that Ms. Dearth's arguments have merit.

RECOMMENDATION:

Approve Ms. Dearth's request for an exemption from the minimum lot size requirements for the use of a second septic system.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
Riverside County Environmental Health – Sam Martinez
Riverside County Building and Safety – Steve Dondalski



California Regional Water Quality Control Board

Santa Ana Region



n C. Lloyd, Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

June 8, 2005

Terra Lynn Dearth
17130 Cayuse Court
Riverside, CA 92504

APPEAL TO THE REGIONAL BOARD FOR AN EXEMPTION FROM THE MINIMUM LOT SIZE REQUIREMENT FOR THE USE OF AN ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEM AT 15270 CAYUSE COURT, RIVERSIDE, RIVERSIDE COUNTY, APN 245-500-013-6

Dear Ms. Dearth:

This is in response to your request to appeal Regional Board staff's denial of an exemption from the minimum lot size requirement for subsurface disposal system use at the above-referenced site. Your appeal has been scheduled for consideration at the Board's June 24, 2005 meeting at the City Council Chambers of Loma Linda, 25541 Barton Road, Loma Linda. The meeting is scheduled to begin at 9:00 a.m. A copy of the staff report that will be presented to the Board regarding this matter and the agenda announcement for the meeting are enclosed.

During the meeting, you will have an opportunity to present your case to the Board. If you have any questions about the proceedings, please contact Jun Martinez at (951) 782-3258 or Susan Beeson at (951) 782-4902.

Sincerely,

for Joanne E. Schneider
Environmental Program Manager

Enclosures: Staff Report and Agenda Announcement

cc w/enc: State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
Riverside County Environmental Health – Sam Martinez
Riverside County Building and Safety – Steve Dondalski

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California Environmental Protection Agency



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